

### REMARKS/ARGUMENTS

In response to the Office Action dated October 3, 2003, Applicant respectfully requests that the Examiner enter the foregoing amendments. No new matter has been added by the amendments. Applicant respectfully presents the foregoing amendments in a genuine effort to advance prosecution of the pending application. Applicant respectfully submits that the claims as presented are in condition for allowance.

Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Claims 1-15 are pending in the application. Claims 1, 7, and 12 are independent claims.

#### **Claim Rejections – 35 U.S.C. § 112**

Claims 1-15 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification (Office action at ¶ 1). Specifically, the Examiner asserts that claims 1, 7, and 12 recite providing a shopper with an option to supply notification information, and that the specification describes providing notification information as part of an attempt to purchase and not as an option.

Applicant respectfully traverses the rejection and submits that the specification, in numerous places, describes optionally providing notification information. For example, the specification describes “one embodiment of the present invention [wherein] a server system allows a buyer to select a notification *option* when purchasing goods over the WWW” (p.4, ll.10-11) (emphasis added). Further, “while purchasing an item ... a buyer may choose a notification option ... that causes the buyer to be notified” (p.4, ll. 14-16). “The notification option, *when activated*, allows a vendor to contact the buyer in a predetermined manner should a triggering event occur” (p.5, ll.21-24) (emphasis added).

Applicant respectfully submits that the Examiner may be confusing the selection of the notification option and optionally providing notification information with the provision of purchasing information. The specification describes the shopper selecting goods or services to be purchased, and then providing “purchasing information such as, for example, the purchaser’s name, delivery address, telephone number, credit card information, and the like” (p.5, ll.10-20). “[W]hile the buyer is providing purchasing information, the buyer can also

choose to invoke the notification option” (p.5, ll.30-32). In the rejection, however, the Examiner apparently equates providing purchasing information, such as “delivery address and telephone number as part of an attempt to purchase,” with notification information.

Applicant has hereby amended the independent claims to clarify that a shopper may be provided with “an opportunity to select a notification option.” Thus, in a system according to the invention, a shopper may optionally select whether to be notified if a triggering event occurs. “After recognizing that a buyer has invoked the notification option, the vendor may then prompt the buyer to enter notification information that will allow the vendor to notify the buyer of the occurrence of a triggering event” (p.6, ll.1-4).

Applicant respectfully submits that, for all the foregoing reasons, the specification adequately describes the subject matter sought to be patented. Applicant respectfully submits, therefore, that the rejection of claims 1-15 based on the written description requirement of 35 U.S.C. § 112, ¶ 1, should be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 102/103**

Claims 1-15, as previously submitted, were rejected under 35 U.S.C. § 102(e) as anticipated by, or under 35 U.S.C. § 103(a) as obvious over, U.S. Patent No. 6,470,323 (“Suzuki”). Applicant gratefully acknowledges the time and attention afforded by Examiner McAllister during a telephonic interview conducted November 5, 2003 with the undersigned attorney. Though agreement with respect to the claims was not reached, the Examiner and the undersigned discussed differences between Applicant’s invention and the teachings of Suzuki.

Suzuki discloses a goods sales management system in which a goods sales management apparatus 1 is coupled to plural customer processors 31 and 32 (col. 2, ll. 37-51). The system includes a goods sales process 11 or unit for selling goods via communication with the customer processors 31 and 32 (col. 2, ll. 52-54). The goods sales management apparatus “conventionally” receives a goods request from one or more of the customer processors (col. 4, ll. 53-59). When the inventory of requested goods is zero, a message is transmitted to the relevant ones of customer processors 31 and 32 (col. 5, ll. 1-7). The conditions or specifications describing goods that are not currently available are stored in a retrieval history memory (col. 5, ll. 16-18).

At some point in the future, goods corresponding to the characteristics of the unfilled order will arrive (col. 5, ll. 34-37). When this happens, user identification information may be accessed (col. 5, ll. 37-47). The user identification information is stored in the retrieval history memory and may include user identifiers for identifying users that transmitted the goods request (col. 4, ll. 27-28). Then, a merchandising notice sending process may send a message to the relevant customer processor (col. 5, 52-62). The system may also send a notice whenever the newly arrived goods only partially match a previously unsatisfied request (*id.*).

Applicant has hereby amended the independent claims to clarify that a shopper may be provided with “an opportunity to select a notification option.” If the shopper has selected the notification option and supplied the notification information, the shopper may then be notified that the triggering event has occurred via a communication pathway represented in the optionally supplied notification information. Thus, in a system according to the invention, a shopper may optionally select whether to be notified if a triggering event occurs. “After recognizing that a buyer has invoked the notification option, the vendor may then prompt the buyer to enter notification information that will allow the vendor to notify the buyer of the occurrence of a triggering event” (p.6, ll.1-4).. Applicant respectfully submits that none of the cited references teaches or suggests providing a notification option as claimed.

Suzuki discloses that the merchandising notice sending process sends messages to the customer processors when previously out of stock goods become available. Suzuki does not teach or suggest that such notification is optional, *i.e.*, that the customer can select whether or not to be notified by selecting a notification option when purchasing the goods. By contrast, the claimed invention provides a mechanism by which the customer may *opt* to receive notification of the occurrence of a triggering event.

Further, Suzuki merely discloses that messages are sent to the customer processors. Suzuki does not teach or suggest that messages may be sent via any other communication path. By contrast, the claimed invention enables the shopper to supply optional notification information representative of any communication pathway, including communication pathways that may be different from the communication pathway via which the customer processor is coupled to the server.

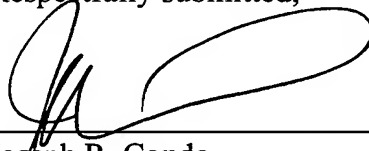
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Moreover, because Suzuki discloses that messages are automatically sent, and only to the customer processors, one skilled in the art would not be motivated to modify the system of Suzuki to include optional notification or notification via other communication pathways as claimed. Applicant respectfully submits that none of the cited references provide such motivation. That is, none of the cited references teaches or suggests *optional* notification via customer identified communication pathways. Applicant respectfully submits, therefore, that the combined teachings of the cited references do not render the claimed invention obvious.

For all the foregoing reasons, Applicant respectfully submits that claims 1-15 are allowable. A notice of allowance for claims 1-15 is, therefore, respectfully requested. If the Examiner believes that the application is not in condition for allowance for any reason, the Examiner is encouraged to contact the undersigned to resolve any remaining issues.

Respectfully submitted,



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